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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,808	08/08/2001	Marcus F. Doemling	FYSX-0003	2589

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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,808	DOEMLING ET AL.	
	Examiner	Art Unit	
	Philip C. Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on August 10, 2005.

2. Claims 1-41 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 132

4. The amendment filed 08/10/05 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: content object having an unspecified visual format. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections – 35 USC 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As per claim 1, lines 9-10, it is unclear how does image data of a content object have an "unspecified visual format".

Claim Rejections – 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-8, 10-13, 16-27 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier et al, U.S. Patent 6,379,251 (hereinafter Auxier) in view of Pettersen, U.S. Patent 6,826,549 (hereinafter Pettersen).

9. Auxier was cited in the last office action.

10. As per claim 1, Auxier taught the invention substantially as claimed for enhancing a content object, comprising:

a system for downloading a network resource from a host server to a client (col. 4, lines 13-20);

a system for downloading an enhancement mechanism with the network resource (col. 4, lines 20-40; col. 9, lines 43-51), wherein the enhancement mechanism includes:

a loading module for requesting and loading the content object from a content server to the client (col. 4, lines 20-40; col. 9, lines 43-51); and

an enhancement module for altering an output format of the content object (col. 4, lines 41-63).

11. Auxier did not specifically teach that the enhancement module rearranges image data of the content object. Pettersen taught a similar system wherein an enhancement module rearranges image data of the content object (col. 11, lines 14-31), and wherein the enhancement module operates on content object having an unspecified visual format (Note that the specification did not describe "unspecified visual format", therefore "unspecified visual format" is interpreted according to the Remarks, filed on 8/10/05, on page 9, line 22-page 10, line 2. Since Pettersen taught wherein the image data of the content object can be rearranged by the enhancement module, therefore the enhancement module operates on content object having an unspecified visual format.)

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of rearranging the image data of the content object would increase the flexibility in Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

13. As per claim 22, Auxier taught the invention substantially as claimed for enhancing content, comprising:

a system for loading a content object, wherein the content object comprises data stored in a predefined format (col. 9, lines 32-51)(e.g. GIF or JPEG); and

an application programming interface (e.g. java applet) for converting the data from the predefined format to a format compatible with the enhancement module (col. 4, lines 35-53).

14. Auxier did not teach each enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the loaded content object. Pettersen taught a similar system wherein an enhancement module selected from a plurality of enhancement modules, wherein each enhancement module causes a different visual alteration of the loaded content object (col. 11, lines 40-67).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of selecting a enhancement module, wherein each enhancement module causes a different visual alteration of the content object would increase the flexibility of Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

16. As per claim 33, Auxier taught the invention substantially as claimed comprising the steps of:

requesting a resource (col. 4, lines 13-19);

retrieving and processing the resource (col. 4, lines 13-19), wherein the resource includes an enhancement mechanism; and

processing the enhancement mechanism, including the steps of:

retrieving a content object (col. 4, lines 20-40; col. 9, lines 43-51);

transferring data from the content object to an enhancement module (col. 4, lines 41-63); and

executing the enhancement module such that the data from the content object is presented (col. 4, lines 41-63).

17. Auxier did not specifically teach that the enhancement module rearranges image data of the content object. Pettersen taught a similar system wherein the enhancement module rearranges the image data from the content object (col. 11, lines 14-31).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of rearranging the image data of the content object would increase the flexibility in Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

19. As per claims 2 and 34, Auxier and Pettersen taught the invention substantially as claimed in claims 1 and 33 above. Auxier further taught wherein the network resource is a web page (col. 4, lines 13-20).

20. As per claims 3, 25 and 35, Auxier and Pettersen taught the invention substantially as claimed in claims 2, 22 and 33 above. Auxier further taught wherein the content object is an ad (col. 4, lines 24-27).

21. As per claim 4, Auxier and Pettersen taught the invention substantially as claimed in claim 3 above. Auxier further taught wherein the ad comprises an ad in an industry standard format (col. 4, lines 38-40).

22. As per claims 5 and 36, Auxier and Pettersen taught the invention substantially as claimed in claims 2 and 33 above. Auxier further taught wherein the content object is an image (col. 4, lines 38-40).

23. As per claim 6, Auxier and Pettersen taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein the enhancement mechanism comprises a plug-in embedded in the web page (col. 4, lines 46-53).

24. As per claim 7, Auxier and Pettersen taught the invention substantially as claimed in claim 6 above. Auxier further taught wherein the plug-in comprises an applet (col. 4, lines 46-53).

25. As per claim 8, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the content server is an ad server (col. 4, lines 33-34).

26. As per claim 10, Auxier and Pettersen taught the invention substantially as claimed in claim 8 above. Auxier further taught wherein the host server acts as the ad server (fig. 5; col. 9, lines 23-51).

27. As per claims 11, 23 and 37, Auxier and Pettersen taught the invention substantially as claimed in claims 1, 22 and 33 above. Auxier further taught wherein the enhancement module converts the content object into a game (col. 5, lines 43-47).

28. As per claim 12, Auxier and Pettersen taught the invention substantially as claimed in claim 3 above. Auxier further taught wherein the enhancement module converts the ad into a game (col. 5, lines 43-47).

29. As per claim 13, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier further taught wherein the game overlays the ad (fig. 4).

30. As per claim 16, Auxier taught the invention as claimed in claim 1 above. Auxier further taught wherein the enhancement module instructs the host server to retrieve the content object (col. 20, line 66-col. 21, line 6).

31. As per claim 17, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught comprising a proxy system that obtains the content object

from the content server on behalf of the client (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

32. As per claim 18, Auxier and Pettersen taught the invention substantially as claimed in claim 2 above. Auxier further taught wherein an enhanced content object is created by replacing an embedded ad with an embedded enhancement module (col. 9, lines 32-51).

33. As per claims 19, 24 and 38, Auxier and Pettersen taught the invention substantially as claimed in claims 1, 22 and 33 above. Auxier further taught wherein the enhancement module alters the output format of the content object by providing an informing enhancement that requests a user action (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

34. As per claim 20, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught wherein the content object is altered in real-time (col. 4, lines 35-53) (i.e. content object is render without prior adjustment, see specification, page 9, lines 13-15).

35. As per claim 21, Auxier and Pettersen taught the invention substantially as claimed in claim 1 above. Auxier further taught the content object is loaded into the enhancement mechanism is one of a plurality of formats that do not require customization (col. 4, lines 35-40).

36. As per claim 26, Auxier and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the system for loading the content object, the application programming interface, and the selected enhancement module are contained within a web page (col. 4, lines 20-53).

37. As per claim 27, Auxier and Pettersen taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the system for loading the content object and at least one enhancement module are implemented as Java applets (col. 4, lines 46-53).

38. Claims 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of "Official Notice".

39. As per claims 39, 40 and 41, although Auxier taught the message is overlaid on top of the content object (fig. 4), however, Auxier and Pettersen did not specifically detailing all of the different location where a message corresponding to the content object is displayed. "Official Notice" is taken for the concept of displaying a message at different area corresponding to the connect object in a web page is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different location where the message is displayed because by doing so it would increase flexibility of Auxier's and Pettersen's systems by allowing the message to be display on the web page according to the interest of the designer.

40. Claims 9 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Landsman et al, U.S. Patent 6,785,659 (hereinafter Landsman).

41. Landsman was cited in the last office action.

42. As per claim 9, Auxier and Pettersen taught the invention substantially as claimed in claim 8 above. Auxier and Pettersen did not specifically teach wherein the ad server is a third party server. Landsman taught wherein the ad server is a third party server (col. 11, lines 33-34).

43. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Landsman because Landsman's teaching of third party server would increase the field of use in the system.

44. As per claim 28, Auxier taught the invention substantially as claimed comprising:

means for installing an enhancement mechanism into a requested web page that is to be downloaded to a client, wherein the enhancement mechanism includes the enhancement module (col. 4, lines 20-53).

45. Auxier did not teach each enhancement module selected from a plurality of enhancement modules causes a different visual alteration of the loaded content object. Pettersen taught a similar system wherein an enhancement module selected from a plurality of enhancement

modules, wherein each enhancement module causes a different visual alteration of the loaded content object (col. 11, lines 40-67).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Pettersen because Pettersen's teaching of selecting a enhancement module, wherein each enhancement module causes a different visual alteration of the content object would increase the flexibility of Auxier's system by allowing a web page to be dynamically rearranged so as to take advantage of dynamically changing conditions. Accordingly, the effectiveness of advertising contained on their web pages can be maximized, and thereby increase the potential revenue generated from an affiliate web site (col. 11, lines 32-39).

47. Auxier and Pettersen did not teach means for selecting and proxy means. Landsman taught a similar comprising:

means for selecting an enhancement module from a plurality of enhancement modules (col. 27, lines 1-12); and

proxy means for retrieving a content object on behalf of the client and causing the content object to be passed to the client (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Landsman because Landsman's teaching of selecting a enhancement module causing a unique alteration would

increase the flexibility of Auxier's and Pettersen's systems by allowing a enhancement module to change in order to suit a desired environment (col. 27, lines 7-12).

49. As per claim 29, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein at least one of the enhancement modules converts the content object into a game (col. 5, lines 43-47).

50. As per claim 31, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein at least one of the enhancement modules comprises an information enhancement (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

51. As per claim 30, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 29 above. Auxier further taught wherein the content object comprises an ad (col. 4, lines 24-27).

52. As per claim 32, Auxier, Pettersen and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein the proxy means causes an address of the content object to be modified to point to an address of a host server (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

53. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Eggleston et al, U. S. Patent 6,061,660 (hereinafter Eggleston).

54. Eggleston was cited in the last office action.

55. As per claim 14, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier and Pettersen did not teach a plurality of smaller images that can be relocated by an end user. Eggleston taught wherein the game partitions the ad into a plurality of smaller images that can be relocated by an end user (col. 30, lines 24-46; col. 36, lines 20-36).

56. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Eggleston because Eggleston's teaching of smaller images that can be relocated by an end user

57. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier and Pettersen in view of Erlichman, U.S. Patent 6,790,138 (hereinafter Erlichman).

58. Erlichman was cited in the last office action.

59. As per claim 15, Auxier and Pettersen taught the invention substantially as claimed in claim 12 above. Auxier did not specifically detailing the location of the game. Erlichman taught wherein the game resides in an area outside of the ad (col. 6, lines 35-49).

60. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier, Pettersen and Erlichman because Erlichman's teaching of location of the game would increase flexibility of Auxier's and Pettersen's systems by allowing the advertisement to be display on the web page according to the interest of the advertiser.

61. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Curtis, U.S. Patent 6,075,528, disclosed a method wherein JAVA Applets provides different visual alterations.

Middleton, III et al, U.S. Patent Application Publication 2001/0043215, disclosed a system wherein JAVA Applets enhance the advertisement content presented with a web page.

Dustin et al, U.S. Patent 6,496,857, disclosed a system for delivering enhanced advertisement to interested users.

McElfresh et al, U.S. Patent 6,907,566, disclosed a method for arranging the advertisement position displayed with a web page.

Angles et al, U.S. Patent 6,385,592, disclosed the use of software for enhancing the Internet browser for merging customized interactive advertisement with a web page.

62. Applicant's arguments with respect to claims 1-41, filed 08/10/05, have been fully considered but are moot in view of the new ground(s) of rejection.

63. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

64. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications form the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee